

Town Board Minutes

**Meeting
No. 33**

Regular Meeting

December 16, 1996

MEETINGS TO DATE 33
NO. OF REGULARS 24
NO. OF SPECIALS 9

Page 922
LANCASTER, NEW YORK
DECEMBER 16, 1996

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 16th day of December 1996 at 8:00 P.M. and there were

PRESENT: DONALD KWAK, COUNCIL MEMBER
JOHN MILLER, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT THILL, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
ROBERT LANEY, BUILDING INSPECTOR
JOHANNA COLEMAN, RECEIVER OF TAXES
CHRISTINE FUSCO, ASSESSOR

PERSONS ADDRESSING TOWN BOARD:

Bastian, Norman, 5747 Genesee Street, spoke to the Town Board on the following matter:

An unlicensed truck parked at the northeast corner of Harris Hill Road and Genesee Street advertising Christmas trees for sale at Adam's Nursery.

Gull, Henry, 710 Pavement Road, spoke to the Town Board on the following matters:

1. The amount of the occupancy fee for the Tops Distribution Center.
2. Compliance with the blasting provisions of the Tops Market Distribution Center.
3. Light pollution at the Tops Market Distribution Center.
4. Detention basins at the Tops site.

Heckle Robert, 706 Pavement Road, spoke to the Town Board on the following matters:

1. Status of any suspended resolutions.
2. Any expansion plans in the works at the Tops Warehouse Site.

Juszczak, Joseph, 600 Pleasant View Drive, spoke to the Town Board on the following matter:

Handrails over bridges in Walden Trace Subdivision.

LaCopa, Betty, 59 S Irwinwood Road, spoke to the Town Board on the following matter:

Thanked the Board for not cutting the Senior Citizens' Budget.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER STEMPNIAK TO WIT:

RESOLVED, that the minutes from the Regular Meeting of the Town Board
held on December 2, 1996 be and hereby are approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 16, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MILLER, TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster has determined that certain
of the Town's Capital Projects are deemed to be completed, and

WHEREAS, the Town Board wishes to properly direct the disposition of the
unexpended cash balances of these projects,

NOW, THEREFORE, BE IT

RESOLVED, that the Capital Projects listed below are hereby deemed complete
and that their respective accounts on the Town's books be closed (with the exception of those
accounts which are necessary to properly record the liability associated with any and all
outstanding debt of the project and/or subsequent retirement of said debt), and

BE IT FURTHER

RESOLVED, that the cash balances, as specified below, of the following Capital
Projects of the Town of Lancaster, are to be transferred to the "Reserve for Debt Service"
account of their respective operating fund, also specified below:

<u>Project Name/Description</u>	<u>Fund No.</u>	<u>Date Authorized</u>	<u>Project Balance</u>	<u>Operating Fund</u>
Como Park Sidewalks	101	07/01/91	\$6,031.96	General
Milton Drive Drainage	102	10/07/91	638.61	General
Police Garage	103	03/05/90	18.02	General
Police/Court Computer	104	03/05/90	390.08	General
Addition to Rec. Bldg.	105	03/05/90	78,556.67	General
Depew Library Part. Recon.	106	03/05/90	5,269.51	General
Lancaster Library Carpets	109	04/05/93	2,121.37	General
Keysa Park Improvements	110	04/05/93	0.00	General
Senior Citizen Center	112	07/06/93	0.00	General
Central Ave. Traffic Signal	124	08/07/95	0.00	General
Highway Equipment	108	05/04/92	26,796.20	Part Town Highway
Highway Equipment	111	04/05/93	6,153.72	Part Town Highway
Highway Equipment	114	03/07/94	3,333.00	Part Town Highway
Highway Equipment	117	04/24/95	19,675.00	Part Town Highway
Highway Equipment	125	03/04/96	9,197.50	Part Town Highway

The question of the adoption of the following resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 16, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

WHEREAS, the developer has requested the Town Board of the Town of Lancaster to accept completed Public Improvements within Village on the Park Subdivision, Phase II, within the Town of Lancaster, and

WHEREAS, the Town Engineer has inspected the improvements and has recommended the approval thereof,

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Public Improvements within Village on the Park Subdivision, Phase II, be and are hereby approved and accepted by the Town Board of the Town of Lancaster:

- P.I.P. No. 442 - Water Line
- P.I.P. No. 441 - Storm Sewers
- P.I.P. No. 440 - Pavement and Curbs

conditioned, however, upon the following:

1. **Receipt by the Town Clerk**, within 60 days, of an "Application For Permit To Construct A Public Improvement" for both street lights and sidewalks within this subdivision said application encompassing the area of the Public Improvements accepted herein, or greater area at the option of the developer.
2. **Receipt by the Town Clerk**, within 60 days, of deeds, easements title report, title insurance and bill of sale to the improvements for the property conveyed to the Town of Lancaster.
3. **Receipt by the Town Clerk**, within 60 days, of maintenance bonds for each of the improvements accepted herein in the principal amount of 25% of the value of the improvements accepted. The bonds shall run for a term of two years commencing with the date of adoption of this resolution, and

BE IT FURTHER

RESOLVED, that should the conditions enumerated herein not be met within the stated 60 day period, the Building Inspector and the Town Clerk are directed to suspend the acceptance of building permit applications for construction within this subdivision, or subdivision phase, as the case may be.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 16, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK, TO WIT:

WHEREAS, the Lighting Committee of the Town Board of the Town of Lancaster has requested, and the New York State Electric and Gas Corporation has submitted a proposal dated December 3, 1996, for installation of street lighting on William Street within Consolidated Lighting District No. 1 of the Town of Lancaster, and

WHEREAS, the said Lighting Committee, after investigation, review and consideration has recommended acceptance of this proposal,

NOW, THEREFORE, BE IT

RESOLVED, that the New York State Electric and Gas Corporation be and is hereby authorized to make the following installations on ~~Peppermint Road~~:
William St

William Street

Install 4 - 5200 Lumen 70 Watt High Pressure Sodium
Luminaires @ \$115.37 each

TOTAL ANNUAL INCREASE - \$461.48

and,

BE IT FURTHER

RESOLVED, that this proposal is made contingent upon the terms and conditions covered in New York State Electric and Gas Corporation's Street Lighting Tariff Agreement with the Town of Lancaster, District No. 1.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 16, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER KWAK , TO WIT:

WHEREAS, the Supervisor of the Town of Lancaster has requested a Special Meeting of the Town Board be held at 4:00 P.M., Monday, December 27, 1996, at the Town Hall of the Town of Lancaster, for the purpose of conducting year-end business of the Town of Lancaster and for such other and further business as may normally come before the Town Board at a regular meeting thereof,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby sets a Special Meeting of the Town Board of the Town of Lancaster at 4:00 P.M., Monday, December 27, 1996, at the Town Hall of the Town of Lancaster, for the purpose of conducting year-end business of the Town of Lancaster and for such other and further business as may normally come before the Town Board at a regular meeting thereof,

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 16, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MILLER, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau, by letter dated
December 10, 1996, has requested permission to carry over fourteen (14) days of vacation time
accrued which he cannot take by his anniversary date of December 26, 1996 due to reasons cited
in his letter,

NOW, THEREFORE, BE IT

RESOLVED, that **JOHN TROJANOWSKY**, the Executive Director of the
Youth Bureau of the Town of Lancaster, shall be permitted to carry over his 1995/1996 14 days
vacation time to his 1996/1997 year of service with the Town of Lancaster.

The question of the adoption of the following resolution was duly put to a vote
on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 16, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR , TO WIT:

WHEREAS, it is the desire of the Town of Lancaster to renew the Agreement heretofore entered into by the Town of Lancaster and the Depew-Lancaster Boys' and Girls' Club, Inc., for the operation of a Junior Citizens Club at the Depew Branch of the said Boys' and Girls' Club, Inc., which expires according to its terms on December 31, 1996, and

WHEREAS, the said Depew-Lancaster Boys' and Girls' Club, Inc., has submitted and filed its 1997 Budget for the operation of said Junior Citizens Club;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized and directed to execute said Agreements on behalf of the Town of Lancaster, which have been drawn and approved by the Town Attorney.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	ABSTAINED xxx

xxx Supervisor Giza abstained from a vote on this resolution due to the fact that he is on leave from his position as Executive Director of the Depew-Lancaster Boys' and Girls' Club, Inc.

December 16, 1996

File: rboyseld

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK , WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MILLER , TO WIT:

WHEREAS, it is the desire of the Town of Lancaster to renew the Agreement
heretofore entered into by the Town of Lancaster and the Depew-Lancaster Boys' and Girls'
Club, Inc., for the operation of a Junior Citizens Club at the Lancaster Branch of the said Boys'
and Girls' Club, Inc., which expires according to its terms on December 31, 1996, and

WHEREAS, the said Depew-Lancaster Boys' and Girls' Club, Inc., has
submitted and filed its 1997 Budget for the operation of said Junior Citizens Club;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized and directed to
execute said Agreements on behalf of the Town of Lancaster, which have been drawn and
approved by the Town Attorney.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	ABSTAINED xxx

xxx Supervisor Giza abstained from a vote on this resolution due to the fact that he is
on leave from his position as Executive Director of the Depew-Lancaster Boys'
and Girls' Club, Inc.

December 16, 1996

File: rboyscll

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK , WHO MOVED
ITS ADOPTION. SECONDED BY
COUNCIL MEMBER STEMPNIAK , TO WIT:

WHEREAS, the New York State Education Department has awarded the Erie 1
BOCES a grant for the period September 8, 1996 to September 7, 1997, in the amount of
\$18,000.00 to fund six (6) municipalities, which include the Town of Lancaster, to operate
Youth Volunteer programs through the municipal youth bureaus, and

WHEREAS, the Erie 1 BOCES has authorized the Chief Executive Officer to
enter into a contract with the Town of Lancaster for the amount of \$3,000.00;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Supervisor of the Town of Lancaster is authorized to enter into a
Contract with Erie 1 BOCES in the amount of \$3,000.00 to continue a Youth Volunteer
Program through the Town of Lancaster Youth Bureau, and

2. That a certified copy of this resolution be forwarded to the Erie 1
BOCES, together with a duly executed contract.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 16, 1996

File: rybvol

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK, WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER KWAK, TO WIT:

WHEREAS, the New York State Department of Transportation proposes reconstruction of a portion of NY 78, Transit Road, (SH 9217, US 20 & NY 78 overlap - CR321 to NY 130) in the Town of Lancaster between the south boundary line of the Town to the Depew Village Line, and

WHEREAS, the State will include as part of the construction, reconstruction or improvement of the above mentioned highway, the construction of new sidewalks, pursuant to Section 10, Subdivision 22, Section 46, or Section 349-c of the Highway Law, and

WHEREAS, the Town Board of the Town of Lancaster deems it in the public interest to provide a walkway for pedestrians on Transit Road;

NOW, THEREFORE, BE IT

RESOLVED, that the Town of Lancaster will maintain or cause to be maintained, sidewalks along the above NY 78, located within the said Town, to the extent that repairs are necessary to continue the use of the sidewalks by pedestrians, but not to include the removal of snow and ice on the sidewalk, and

BE IT FURTHER

RESOLVED, that the Town Clerk is hereby directed to transmit five (5) certified copies of the foregoing resolution to the State Department of Transportation.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 16, 1996

File: mydot78

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

WHEREAS, Lee Cadby, President of Northeast Diversification, Inc., 6355 Broadway, Lancaster, New York, has applied to the Town Board of the Town of Lancaster for a permit to construct a Public Improvement upon real property in the Town of Lancaster situate at 954 Ransom Road,

WHEREAS, the Town Engineer of the Town of Lancaster has certified on the following permit application that he has reviewed the improvement plans and permit application for the installation of the public improvement requested, and that it conforms to the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application No. 449 of Northeast Diversification, Inc., 6355 Broadway, New York, for the installation of:

P.I.P. No. 449 - 1,100 l.f. of 8" water main including two (2) fire hydrants
(Water Line)

be and is hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 16, 1996

File: RPIP (P10)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK, WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MONTOUR, TO WIT:

WHEREAS, the Town of Lancaster has submitted to Erie County an application for a youth project to advance the moral, physical, mental and social well-being of the youth of the Town of Lancaster, and

WHEREAS, the Erie County Legislature has approved the Juvenile Review Board Program sponsored by the Town of Lancaster Youth Bureau and has authorized the County Executive to execute all necessary documents and agreements with the Town of Lancaster to continue the Juvenile Review Board Program through the Erie County PINS/JD Diversion Program, and

WHEREAS, the County of Erie has submitted a proposed agreement entitled, "1997 Municipal Youth Bureau PINS/JD Diversion Program Agreement", (AGREEMENT");

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town of Lancaster shall enter into the **AGREEMENT** with the County of Erie to continue a Juvenile Review Board Program sponsored by the Youth Bureau that will assist youth who have committed minor first offenses by providing an alternative to the Family Court System and provide activities which will hopefully deter the youth from committing future offenses;

2. Pursuant to the **AGREEMENT**, Erie County will pay to the Town of Lancaster a sum not in excess of Eight Thousand One Hundred Thirty-three dollars (\$8,133.00) for the term of fifteen (15) months commencing January 1, 1997 and ending March 31, 1998;

3. That the Supervisor be and is hereby authorized to execute the AGREEMENT on behalf of the Town of Lancaster, and

4. Upon full execution of the AGREEMENT, a copy thereof shall be filed in the Town Clerk's Office.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 16, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
 BY SUPERVISOR GIZA, WHO MOVED ITS
 ADOPTION, SECONDED BY COUNCIL
 MEMBER MILLER, TO WIT:

RESOLVED, that the following amendments to the 1996 Adopted Budget for the Town
 of Lancaster be and hereby are approved:

GENERAL FUND		Increase
<u>General Ledger Accounts:</u>		
A510	Estimated Revenues	36,000
A960	Appropriations	36,000
<u>Subsidiary Ledger Accounts - Revenues:</u>		
A1789	Reimbursement from American Sales for IAP Loan	36,000
<u>Subsidiary Ledger Accounts - Appropriations:</u>		
A9789.601	Repayment to NYSDOT for IAP Loan - Walden/Pavement	36,000

GENERAL FUND - TOWN OUTSIDE VILLAGES

<u>General Ledger Accounts:</u>		
B510	Estimated Revenues	40,000
B960	Appropriations	40,000
<u>Subsidiary Ledger Accounts - Revenues:</u>		
B4389	COPS FAST and Universal Grants	40,000
<u>Subsidiary Ledger Accounts - Appropriations:</u>		
B3120.100	Police - Wages, Patrolmen Salaries (2 on step)	40,000

HIGHWAY FUND - TOWN OUTSIDE VILLAGES

<u>General Ledger Accounts:</u>		
DB510	Estimated Revenues	15,900
DB960	Appropriations	15,900
<u>Subsidiary Ledger Accounts - Revenues:</u>		
DB2665	Sales of Excess Equipment	15,900
<u>Subsidiary Ledger Accounts - Appropriations:</u>		
DB5142.435	Snow Removal - Contractual Expenses, Chemicals	15,900

The question of the adoption of the following resolution was duly put to a vote on roll call
 which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 16, 1996

FILE: rbudget.amd

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
KWAK, TO WIT:

Page 938

RESOLVED, that the following Audited Claims be and are hereby
ordered paid from their respective accounts:

Claim No. 11412 to Claim No. 11662 Inclusive

Total amount hereby authorized to be paid: **\$943,888.17**

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 16, 1996

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER KWAK , WHO
MOVED ITS ADOPTION. SECONDED BY
COUNCIL MEMBER STEMPNIAK , TO WIT:

RESOLVED, that the following Building Permit Applications be and are hereby approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are waived for this permit.

(CSW) = Conditional sidewalk waiver.

<u>No.</u>	<u>Code Applicant</u>	<u>Street Address</u>	<u>Structure</u>
3917	Joseph Bologna	5141 Transit Rd	Er. Temp. Sign
3918	Douglas Cipollone	20 Hunters Dr	Er. Sin. Dwlg
3919	Holy Mother of the Rosary	6298 Broadway	Er. Sign
3920(SW)	L. Bruce Klingelsmith	4684 Walden Ave	Er. Dbl. Dwlg
3921(SW)	Sunrise Builders, Inc	5763 Broadway	Er. Three. Dwlg
3922	Ryan Homes	13 Creekwood Dr	Er. Sin. Dwlg
3923	Michael Johnson	706 Aurora St	Ext. Sin. Dwlg/Repair Fire Damage
3924	R Schaefer/J Engelbach	7 Shadyside Ln	Er. Fence

and,

BE IT FURTHER

RESOLVED, that Building Permit No. 3916 applied for by Besroi Construction to erect a warehouse on premises situate on 5434 Genesee Street be and is hereby tabled for further study.

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 16, 1996

FILE: RBLDG.2 (P1-2)

PREFILED RESOLUTION NO. 16 - MEETING OF 12/16/96

16. Stempniak/_____ Amend Zoning Ordinance Re: Map Change Petition Josela
Enterprises West Side Of Steinfeldt Road North Of Broadway

At the request of Council Member Stempniak, this resolution was withdrawn for
further study.

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION. SECONDED BY COUNCIL MEMBER
STEMPNIAK, TO WIT:

WHEREAS, the General Crew Chief of the Parks, Recreation and Forestry
Department, by letter dated December 9, 1996, has requested authorization from the Town
Board to purchase a pick up truck with plow under State Bid Item "B", and

WHEREAS, the pick up truck would be purchased with existing monies in the
Conservation Fund,

NOW, THEREFORE, BE IT

RESOLVED, that the General Crew Chief of the Parks, Recreation and Forestry
Department of the Town of Lancaster be and is hereby authorized to purchase a Dodge Ram 4 x
4 pick up truck and plow from Northtown Dodge for a total estimated cost of \$22,992.00.

The question of the adoption of the following resolution was duly put to a vote on
roll call which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 16, 1996

Council Member Miller requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

**THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER , WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:**

WHEREAS, the Chief of Police of the Town of Lancaster has requested the Town Board to advertise for bids to furnish New 1997 Police Patrol Vehicles, for use by the Police Department, and

WHEREAS, the Public Safety Committee of the Town Board has approved such request;

NOW, THEREFORE, BE IT

RESOLVED, that Notice to Bidders and/or Automobile Dealers, in form attached hereto and made a part hereof, be published in the Lancaster Bee and posted according to Law, that the Town will receive bids up to 10:00 o'clock A.M. Local Time, on January 3, 1997, at the Town Hall, 21 Central Avenue, Lancaster, New York, for the furnishing of New 1997 Police Patrol Vehicles for use by the Police Department of the Town of Lancaster, in accordance with specifications on file in the office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 16, 1996

File: rpolbds.1

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS
AND/OR
AUTOMOBILE DEALERS**

NOTICE IS HEREBY GIVEN that sealed bids and/or proposals will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, at the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 A.M., Local Time, on the 3rd day of January, 1997, for furnishing to the Police Department of the Town of Lancaster, New York, New 1997 Police Patrol Vehicles for use by the Police Department of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office, 21 Central Avenue, Lancaster, New York.

A certified check or bid bond in the amount of One Thousand Dollars (\$1,000.00), payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Town reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: ROBERT P. THILL
Town Clerk**

December 16, 1996

Council Member Miller requested a suspension of the necessary rule for immediate consideration of the following resolution:

SUSPENSION GRANTED.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MILLER , WHO MOVED
ITS ADOPTION, SECONDED BY
COUNCIL MEMBER KWAK , TO WIT:

WHEREAS, the Chief of Police of the Town of Lancaster has requested the Town Board to advertise for bids to furnish a New 1997 Police 4-Wheel Drive Vehicle for use by the Police Department, and

WHEREAS, the Public Safety Committee of the Town Board has approved such request;

NOW, THEREFORE, BE IT

RESOLVED, that Notice to Bidders and/or Automobile Dealers, in form attached hereto and made a part hereof, be published in the Lancaster Bee and posted according to Law, that the Town will receive bids up to 10:00 o'clock A.M. Local Time, on December 27, 1996, at the Town Hall, 21 Central Avenue, Lancaster, New York, for the furnishing of One (1) New 1997 Police 4-Wheel Drive Vehicle for use by the Police Department of the Town of Lancaster, in accordance with specifications on file in the office of the Town Clerk.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER KWAK	VOTED YES
COUNCIL MEMBER MILLER	VOTED YES
COUNCIL MEMBER MONTOR	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

December 16, 1996

File: rpolbds.

**LEGAL NOTICE
TOWN OF LANCASTER
NOTICE TO BIDDERS
AND/OR
AUTOMOBILE DEALERS**

NOTICE IS HEREBY GIVEN that sealed bids and/or proposals will be received by the Town Clerk of the Town of Lancaster, Erie County, New York, at the Town Hall, 21 Central Avenue, Lancaster, New York, up to 10:00 A.M., Local Time, on the 27th day of December, 1996, for furnishing to the Police Department of the Town of Lancaster, New York, One New 1997 4-Wheel Drive Vehicle for use by the Police Department of the Town of Lancaster, in accordance with specifications on file in the Town Clerk's Office, 21 Central Avenue, Lancaster, New York.

A certified check or bid bond in the amount of Five Hundred Dollars (\$500.00), payable to the Supervisor of the Town of Lancaster, and a Non-Collusive Bidding Certificate must accompany each bid.

The Town reserves the right to reject any or all bids and to waive any informalities.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

BY: ROBERT P. THILL
Town Clerk

December 16, 1996

COMMUNICATIONS

Page 947

865. Police Chief to Supervisor -
Comments and recommendations re: complaint of excessive traffic on Wehrle Drive.
DISPOSITION: = RECEIVED AND FILED
866. Town Clerk to Supervisor -
Monthly report for November 1996. **DISPOSITION: RECEIVED AND FILED**
867. Town Clerk to Town Board -
Notification of failure to file required oath of office by appointed member of
Recreation Commission. **DISPOSITION: TOWN ATTORNEY**
868. Town Engineer to Town Board
Recommend acceptance of storm sewer, pavement and curb, and water line public
improvements within Village on the Park Subdivision, Phase II. **DISPOSITION:**
RECEIVED AND FILED
869. NYSEG to Town Board -
Street lighting proposal for William St. **DISPOSITION: RECEIVED AND FILED**
870. Richard/Suzanne Sabadasz, 570 Ransom Rd., to Town Board -
Concerns and questions re: project being undertaken by Bryan Sinclair, 578 Ransom Rd.
DISPOSITION: RECEIVED AND FILED
871. Residents of Northwood Dr., Penora St., Via Donato, and Transit Blvd. to Supervisor -
Petition requesting stop signs at intersection of Penora St. and Transit Blvd.
DISPOSITION: RECEIVED AND FILED
872. ECDEP to Supervisor -
Notice of extension of time to construct sanitary sewers to 12/31/96 within Fox Valley
Estates. **DISPOSITION: RECEIVED AND FILED**
873. Marilla Town Clerk to Supervisor -
Transmittal of resolution adopting determination of non-significance of Zoning Law
Amendment, Negative Declaration and ENB Publication of SEQR Notices adopted
11/07/96. **DISPOSITION: RECEIVED AND FILED**
874. Assoc. Of Erie County Governments to Supervisor -
Notice of special meeting to be held 12/19/96 at Orchard Park. **DISPOSITION:**
RECEIVED AND FILED
875. NYSDOT to Supervisor -
Transmittal of updated plans for the Transit Rd. Project (French Rd. To Broadway).
DISPOSITION: TOWN ENGINEER AND SUPERVISOR
876. NYS Off. Of Comptroller to Supervisor -
Comments and summary of statutory changes pursuant to Chapter 397 of the Laws of
1995. **DISPOSITION: RECEIVED AND FILED**
877. Mark/Deborah Schmitkons to Planning Board Chair. -
Concerns re: rezone application of Marrano/Marc Equity for Trentwood Trail
Extension, north of Walden Ave. **DISPOSITION: PLANNING COMMITTEE**
878. NYSDOT to Supervisor -
Notification of intent to construct sidewalks on east side of Transit Rd. From French
Rd. To Depew Village line within Town. **DISPOSITION: RECEIVED AND FILED**
879. Central Ave. Elementary School to Supervisor -
Notice that school has volunteered to be collection site for "Toys For Tots".
DISPOSITION: RECEIVED AND FILED
880. Town Clerk to Planning Board Chair. -
Transmittal of rezone petition of George O'Neil for property situate at 92 Nichter Rd.
DISPOSITION: PLANNING COMMITTEE
881. General Crew Chief to Supervisor -
Request Board's approval to purchase pick-up truck under State contract.
DISPOSITION: RECEIVED AND FILED

- Page 948
882. Police Chief to Town Board -
Response to letter from John F. Ott, 5599 William St., re: banning of hunting and speed limit on William St. east of WXRL. **DISPOSITION: PUBLIC SAFETY COMMITTEE**
883. Town Clerk to Building Inspector -
Directive re: issuance of building permits within Autumn Park Subdivision. **DISPOSITION: TOWN ATTORNEY**
884. Dir. of Admin. and Finance to County Dept. of Finance -
Transmittal of two copies of adopted budget and copy of tax summary for fiscal year 1/1/97 to 12/31/97. **DISPOSITION: RECEIVED AND FILED**
885. Youth Bureau Ex. Dir. To Supervisor -
Request permission to carry over vacation time to 1997. **DISPOSITION: RECEIVED AND FILED**
886. Receiver of Taxes to Town Board -
Transmittal of school summaries for each of five school districts and final report of the 1996-97 school tax collection. **DISPOSITION: RECEIVED AND FILED**
887. Planning Board to Town Board -
Minutes from meeting held 12/4/96. **DISPOSITION: RECEIVED AND FILED**
888. Planning Board to Town Board -
Recommend approval of Sprint Spectrum communication tower site plan. **DISPOSITION: RECEIVED AND FILED**
889. Planning Board to Town Board -
Recommend approval of Marrano/Marc Equity rezone petition for Trentwood Trail Subdivision. **DISPOSITION: RECEIVED AND FILED**
890. NYSEG to Supervisor -
Notification that service application for Pavement Rd. is being reviewed. **DISPOSITION: SUPERVISOR**
891. NFTA to Supervisor -
Request that contact person responsible for snow removal at bus stops contact their Service Planning Specialist. **DISPOSITION: RECEIVED AND FILED**
892. Depew Mayor to Supervisor -
Seeks information on determining tax rate for citizens of the Village. **DISPOSITION: SUPERVISOR**
893. Robert G. Cocol to Town Board -
Requests appointment to Planning Board. **DISPOSITION: PLANNING COMMITTEE**
894. Erie County Water Authority to Supervisor -
Advisement of hydrant rate increase effective January 1, 1997. **DISPOSITION: RECEIVED AND FILED**
895. Police Chief to Supervisor and Town Board -
Comments with regard to letter from William St. resident. **DISPOSITION: RECEIVED AND FILED**
896. Independent Health to Jean Fialkiewicz -
Advisement of rate increase effective January 1, 1997. **DISPOSITION: SUPERVISOR**
897. Health Care Plan to Supervisor -
Health insurance proposal for Town employees. **DISPOSITION: SUPERVISOR**
898. Health Care Plan to Supervisor -
Advisement of rate increase. **DISPOSITION: SUPERVISOR**

- Page 949
899. Blue Cross & Blue Shield of WNY to Supervisor -
Advisement of proposed rate increase for Traditional Blue coverage.
DISPOSITION: SUPERVISOR
900. Community Blue to Supervisor -
Advisement of rate changes and the new Community Blue. **DISPOSITION:**
SUPERVISOR
901. Residents of Steinfeldt Road to Town Board -
Concerns re application to rezone proposed Josela Enterprises Inc land north of
Broadway, south of Erie and west of Steinfeldt. **DISPOSITION: PLANNING**
COMMITTEE
902. John Ott to Supervisor, Police Chief and Town Board -
Letter seeking consideration and action regarding hunting and the speed limit on
William St. **DISPOSITION: PUBLIC SAFETY**
903. NYSDOT to Supervisor -
Final Contract Audit Report, Audit:96-12-0002, Project Walden Ave/Pavement Rd
intersection improvements. **DISPOSITION: TOWN ATTORNEY**
904. EMS Consulting to Earl Dubin, Erie County Dept of Public Works -
SEQR Review/Traffic Impact Study, proposed Transit-Wehrle Retail Center, Transit
Rd and Wehrle Drive. **DISPOSITION: TOWN ENGINEER AND PLANNING**
COMMITTEE
905. Council Member Montour to Mr. & Mrs. R. Schneggenburger -
Advisement re: steps to be taken to correct drainage problem. **DISPOSITION:**
RECEIVED AND FILED
906. Mark & Deborah Schmitkons to Supervisor -
Comments and concerns re: Marrano/Marc Equity rezone petition for Trentwood Trail
Expansion. **DISPOSITION: PLANNING COMMITTEE**
907. Lancaster Historical Society to Supervisor -
Invitation to rededication of Historical Museum on 12/15/96. **DISPOSITION:**
RECEIVED AND FILED

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER STEMPIAK, AND SECONDED BY
THE ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:35 P.M.

Signed

Robert P. Thill

Robert P. Thill, Town Clerk